

Minutes: SPECIAL CITY COUNCIL MEETING, December 21, 1983  
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MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD DECEMBER 21, 1983

PRESENT

Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT

Grant S. Nielson	Mayor
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OTHERS PRESENT

Jim Allan	City Administrator
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Neil Forster	Public Works Superintendent
Sherri Terrell	City Secretary

Mayor Nielson was absent and the Council therefore saw fit to elect a Mayor pro tempore. Council Member Ruth Hansen MOVED to elect Councilman Max Bennett as Mayor pro tempore. Councilman Don Dafoe SECONDED the motion, which passed unanimously.

Mayor pro tempore Bennett called the meeting to order at 9:01 a.m. Notice of the meeting time, place and agenda were posted at the City Office and was provided to the Millard County Chronicle, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery prior to the meeting, as required by law.

PROPOSED ORDINANCE AMENDING THE ORDINANCE PRESCRIBING THE DUTIES OF THE CITY ADMINISTRATOR, CITY COUNCIL AND DEPARTMENT HEADS

The Council discussed the proposed ordinance amending the ordinance prescribing the duties of the City Administrator, City Council and the Department Heads. Councilman Don Bird MOVED to adopt Ordinance #83-68 entitled:

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE 3-000 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) ENACTING PROVISIONS DEFINING OVERSIGHT RESPONSIBILITIES OF CITY COUNCIL MEMBERS, AMENDING THE ORDINANCE PRESCRIBING THE DUTIES OF THE CITY ADMINISTRATOR, ENACTING PROVISIONS PROVIDING FOR REPORTING REQUIREMENTS FOR DEPARTMENT HEAD, RENUMBERING CERTAIN SECTIONS OF THE REVISED ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE.

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Councilman Don Dafoe SECONDED the motion. Mayor pro tempore Max Bennett asked for a roll call vote, which went as follows:

Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Mayor Pro tempore Bennett did not vote.

PROPOSED RESOLUTION REGARDING CHANGE ORDER NO. 1 TO IMPACT ALLEVIATION AGREEMENT #47

City Attorney Peterson stated that Resolution No. 83-101 which was approved Monday, December 19, 1983, did not refer specifically to the four-year impact alleviation contract approved by the resolution as Change Order No. 1 to Impact Alleviation Agreement No. 47, and that because of this IPA has requested that another resolution be adopted to designate the agreement as Change Order No. 1. City Attorney Peterson presented the proposed resolution and discussed it with the Council. Councilman Willis Morrison MOVED to adopt Resolution No. 83-102 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH APPROVING AN AGREEMENT BETWEEN DELTA CITY AND INTERMOUNTAIN POWER AGENCY ENTITLED "IMPACT ALLEVIATION AGREEMENT NO. 47 BETWEEN INTERMOUNTAIN POWER AGENCY AND CITY OF DELTA, ALLEVIATION OF DIRECT IMPACTS, JULY, 1983 THROUGH COMPLETION OF CONSTRUCTION CHANGE ORDER NO 1"; AUTHORIZING DELTA CITY TO BECOME A PARTY TO SAID AGREEMENT AND AUTHORIZING THE EXECUTION AND ADMINISTRATION OF SAID AGREEMENT.

Councilman Don Bird SECONDED the motion. Mayor pro tempore Max Bennett called for a roll call vote, which went as follows:

Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Mayor pro tempore Bennett did not cast a vote.

DECISION ON EMPLOYEE GRIEVANCE OF THE APPEAL BOARD'S DECISION

City Attorney Peterson recommended that the Council go into closed session to discuss the hearing regarding the Appeals Board's decision on Ken Kauwe's termination from the Parks & Recreation Department. He also asked to be excused from the meeting while the Council discussed this matter.

Councilman Don Dafoe MOVED to go into a closed session to discuss personnel problems. Council Member Ruth Hansen SECONDED the motion. The motion carried unanimously and the Council went into a closed session at 9:38 a.m.

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After discussion, Councilman Willis Morrison MOVED to return into an open session. Councilman Don Bird SECONDED the motion, which passed unanimously. The Council returned into an open session at 9:44 a.m.

Councilman Don Bird MOVED to uphold the Appeals Board's decision regarding Ken Kauwe's termination from the Parks & Recreation Department. Councilman Willis Morrison SECONDED the motion.

Mayor pro tempore Bennett asked if there was any further discussion. Councilman Morrison stated that in reviewing the Appeals Board's transcripts, it was his opinion that the Appeals Board acted fairly. Both sides were given ample opportunities to present evidence in support of their respective positions. The hearing before the City Council allowed the appellant to give reasons why he felt the Appeals Board's decision was unfair, and he did not give any reasons for the Council to reverse this decision. For this reason, Councilman Morrison recommended that the Council sustain the Appeals Board's decision.


Mayor pro tempore Max Bennett then asked for a roll call vote, which went as follows:

Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Mayor pro tempore Max Bennett did not cast a vote.

Councilman Don Dafoe MOVED to adjourn. Council Member Ruth Hansen SECONDED the motion. Mayor pro tempore Bennett adjourned the meeting at 9:48 a.m.

  
Mayor Grant S. Nielson

  
City Recorder Dorothy Jeffery